Exemption No. 6541C
October 30, 2001 Regulatory Docket No. FAA-2001-10876

Mr. Harry L. Riggs, Jr.
Dinsmore & Shohl, LLP
255 East Fifth Street
Cincinnati, OH 45202

Dear Mr. Riggs:

This is in response to your October 15, 2001, letter petitioning the Federal Aviation Administration (FAA) on behalf of the EAA Aviation Foundation, Inc. and the Experimental Aircraft Association, Inc. (collectively to be referred hereafter as EAA), for an extension of Exemption No. 6541, as amended. That exemption from sections 91.315, 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) permits EAA to operate its Boeing B-17 airplane, which is certificated in the limited category, for the purpose of carrying its members for compensation or hire in its former military vintage airplane on local flights for educational and historical purposes.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to EAA.

Please note the FAA has assigned a new docket number to this project (Docket No. FAA-2001-10876; previously Docket No. 28673). In an effort to allow the public to participate in tracking the FAA's rulemaking and exemption activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at: http://dms.dot.gov. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR section 11.63. Further requests should be submitted through this system.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. sections 40113 and 44701, delegated to me by the Administrator, Exemption No. 6541, as amended, is hereby further amended by extending its October 31, 2001, termination date to October 31, 2003, unless sooner superseded or rescinded. This exemption is now subject to the following revised conditions and limitations:

1. EAA must maintain its Boeing B-17 airplane in accordance with the --

a. Maintenance requirements as specified in its Boeing B-17 type specification sheet, as amended;

b. FAA-approved maintenance inspection program that meets the requirements of section 91.409(f)(4) and (g); and

c. Boeing B-17 military technical manuals.

2. The PIC must --

a. Hold at least a commercial pilot certificate with a multiengine airplane rating, an airplane instrument rating, and a Boeing B-17 type rating;

b. Have completed within the previous 12 calendar months, EAA's PIC qualification and recurrent flight and ground training program in the Boeing B-17 for which PIC privileges are sought;

c. Have completed within the previous 12 calendar months, EAA's PIC proficiency check in the Boeing B-17 for which PIC privileges are sought;

d. Have at least a total of 2,500 hours of aeronautical flight experience, 1,000 hours of aeronautical flight experience in multiengine airplanes, and 25 hours in a Boeing B-17; or have at least a total of 1,000 hours of aeronautical flight experience, 200 hours of aeronautical flight experience in multiengine airplanes, and 100 hours and 50 takeoffs and 50 landings in a Boeing B-17; and

e. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in a Boeing B-17 for which PIC privileges are sought. For initial PIC qualification in a Boeing B-17 or if the pilot has allowed his takeoff and landing currency to lapse in a Boeing B-17 the takeoff and landing currency may not be accomplished during passenger carrying operations.

3. The SIC must --

a. Hold at least a commercial pilot certificate with a multiengine airplane rating and an airplane instrument rating;

b. Have completed within the previous 12 calendar months, EAA's SIC qualification and recurrent flight and ground training program in a Boeing B-17 for which SIC privileges are sought;

c. Have completed within the previous 12 calendar months,

EAA's SIC proficiency check in a Boeing B-17 for which SIC privileges are sought;

d. Have at least a total of 1,500 hours of aeronautical flight experience, 250 hours of aeronautical flight experience in multiengine airplanes; or have at least a total of 500 hours of aeronautical flight experience, 100 hours of aeronautical flight experience in multiengine airplanes, and 25 hours and 10 takeoffs and 10 landings in a Boeing B-17; and

e. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in a Boeing B-17 for which SIC privileges are sought. For initial SIC qualification in a Boeing B-17 or if the pilot has allowed his takeoff and landing currency to lapse in a Boeing B-17 the takeoff and landing currency may not be accomplished during passenger carrying operations.

4. EAA must develop and maintain a written Boeing B-17 qualification and recurrent ground training program for its PICs and SICs that covers the training subjects listed below. Each PIC and SIC must receive the following training and iterations of training within the previous 12 calendar months prior to serving in an PIC or SIC position in a Boeing B-17 for EAA:

REQUIRED TRAINING TASKS	ITERATIONS
a. General information and description of the airplane;	1
b. Aircraft limitations;	1
c. Aircraft servicing;	1
d. Airspeeds;	1
e. Fuel system;	1
f. Electrical system;	1
g. Hydraulic system;	1
h. Engines;	1
i. Instruments and avionics;	1
j. Landing gear, brakes, controls, and flaps systems;	1
k. Propeller;	1
l. Emergency procedures, including --	1

(i) Instruction in emergency assignments and procedures, including coordination among crewmembers;	1
(ii) Individual instruction in the location, function, and operation of emergency equipment, including --	1
A. First aid equipment and its proper use; and	1
B. Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires;	1
(iii) Instruction in the handling of emergency situations, including --	1
A. Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas; and	1
B. Illness, injury, or other abnormal situations involving passengers or crewmembers;	1
m. Weight and balance;	1
n. Performance planning; and	1
o. Airplane's checklist.	1

5. EAA must develop and maintain a written Boeing B-17 qualification and recurrent flight training program for its PICs that covers the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each PIC must successfully accomplish this training before being assigned PIC responsibilities and duties. Each PIC must receive and successfully accomplish the following training and iterations of training within the previous 12 calendar months prior to serving in an PIC position in a Boeing B-17 for EAA:

REQUIRED TRAINING TASKS	ITERATIONS
a. Preflight Preparation	1
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance &	1

limitations (oral or written)	
b. Ground Operations	4
(i) Preflight inspection	4
(ii) Cockpit resource management	4
(iii) Powerplant start procedures	4
(iv) Taxiing	4
(v) Pre-takeoff checks	4
c. Takeoffs & Departures	3
(i) Normal & crosswind takeoffs	3 within the previous 90 days
(ii) Powerplant failure	3
(iii) Rejected takeoffs	3
d. Inflight Maneuvers	4
(i) Steep turns	4
(ii) Approach to stalls	4
(iii) Powerplant failure	4
(iv) Specific flight characteristics	4
e. Landings & Approaches to Landing	3
(i) Normal & crosswind approaches & landing	3 within the previous 90 days
(ii) Maneuvering to a landing with a simulated powerplant failure	3
(iii) Rejected landing	3
(iv) Landing from a no flap or a nonstandard flap approach	3
f. Normal & Abnormal Procedures	3
(i) Powerplant	3
(ii) Fuel system	3
(iii) Electrical system	3

(iv) Hydraulic system	3
(v) Environmental & pressurization system (as appropriate and if equipped)	3
(vi) Fire detection & extinguishing system	3
(vii) Navigation & avionics system	3
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	3
(ix) Flight Control System	3
(x) Anti-ice & de-ice System	3
(xi) Aircraft & personal emergency equipment	3
g. Emergency Procedures	2
(i) Inflight fire & smoke removal	2
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	2
(iii) Emergency descent	2
(iv) Ditching	2
(v) Emergency Evacuation	2
h. Postflight Procedures	
(i) After landing procedures	4
(ii) Parking and securing aircraft	4

6. EAA must develop and maintain a written Boeing B-17 qualification and recurrent flight training program for its SICs that covers the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each SIC must successfully accomplish this training before being assigned SIC responsibilities and duties. Each SIC must receive and successfully accomplish the following training and iterations of training within the previous 12 calendar months prior to serving in an SIC position in a Boeing B-17 for EAA:

REQUIRED TRAINING TASKS (cont'd)	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	3 in the previous 90 days
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

7. Each PIC must successfully accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program). The proficiency practical test must cover the areas of operations and tasks listed below in the following "REQUIRED TESTING TASKS" table. Each PIC must be found competent and proficient by the Milwaukee Flight Standards District Office (GL FSDO No. 13) (or by a procedure that has been approved by the Milwaukee Flight Standards District Office (GL FSDO No. 13) on those areas of operation and tasks before being assigned PIC duties and responsibilities in a Boeing B-17 for EAA:

REQUIRED TRAINING TASKS	ITERATIONS
a. Preflight Preparation	
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance & limitations (oral or written)	1
b. Ground Operations	
(i) Preflight inspection	1

(ii) Cockpit resource management	1
(iii) Powerplant start procedures	1
(iv) Taxiing	1
(v) Pre-takeoff checks	1
c. Takeoffs & Departures	
(i) Normal & crosswind takeoffs	1
(ii) Powerplant failure	1
(iii) Rejected takeoffs	1
d. Inflight Maneuvers	
(i) Steep turns	1
(ii) Approach to stalls	1
(iii) Powerplant failure	1
(iv) Specific flight characteristics	1
e. Landings & Approaches to Landing	1
(i) Normal & crosswind approaches & landing	1
(ii) Maneuvering to a landing with a simulated powerplant failure	1
(iii) Rejected landing	1
(iv) Landing from a no flap or a nonstandard flap approach	1
f. Normal & Abnormal Procedures	
(i) Powerplant	1
(ii) Fuel system	1
(iii) Electrical system	1
(iv) Hydraulic system	1
(v) Environmental & pressurization system (as appropriate and if equipped)	1

(vi) Fire detection & extinguishing system	1
(vii) Navigation & avionics system	1
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	1
(ix) Flight Control System	1
(x) Anti-ice & de-ice System	1
(xi) Aircraft & personal emergency equipment	1
g. Emergency Procedures	1
(i) Inflight fire & smoke removal	1
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	1
(iii) Emergency descent	1
(iv) Ditching	1
(v) Emergency Evacuation	1
h. Postflight Procedures	
(i) After landing procedures	1
(ii) Parking and securing aircraft	1

8. Each SIC must accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program). The proficiency practical test must cover the areas of operations and tasks listed in the following "REQUIRED TESTING TASKS" table. Each SIC must be found competent and proficient by the Milwaukee Flight Standards District Office (GL FSDO No. 13) (or by a procedure that has been approved by the Milwaukee Flight Standards District Office (GL FSDO No. 13) on those areas of operation and tasks before being assigned SIC duties and responsibilities in a Boeing B-17 for EAA:

REQUIRED TRAINING TASKS	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	1
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

9. EAA must document and record all ground and flight training and/or testing required by this grant of exemption in a manner acceptable to the FAA's Milwaukee Flight Standards District Office (GL FSDO No. 13). That documentation and records must contain the following information:

a. Date of each training session.

b. Date of each testing session.

c. The amount of time of each session of ground and flight training given.

d. The amount of time of each session of ground and flight testing given.

e. Location where each session of ground and flight training was given.

f. Location where each session of ground and flight testing was given.

g. The airplane identification number in which each flight training session was received in.

h. The airplane identification number in which each flight testing session was received in.

i. The name and certificate number of the pilot who provided each session of training.

j. The name and certificate number of the pilot who provided each session of testing.

k. The signature and printed name of the pilot who received the training. That pilot's signature will serve as an verification of having received each session of training.

l. The signature and printed name of the pilot who received the training. That pilot's signature will serve as an verification of having received each session of testing.

10. When requested, the EAA's Boeing B-17 qualification and recurrent ground- and flight-training programs and/or records listed in condition Nos. 4, 5, 6, and 9, must be made available to the Milwaukee Flight Standards District Office (GL FSDO No. 13), 4915 South Howell Avenue, Milwaukee, Wisconsin 53207; (414) 486-2920.

11. EAA must have the services of an FAA-certificated airframe and powerplant mechanic or an appropriately rated repair station available at all stopovers to perform all required maintenance inspections and repairs.

12. EAA will maintain the following information and records and will make those records available for review to the FAA when requested:

a. The name of each pilot crewmember EAA authorizes to conduct flight operations in its airplanes under the terms of this exemption;

b. Copies of each PIC's and SIC's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with Condition Nos. 2, 3, 7, 8, and 9; and

c. Records of maintenance performed and maintenance inspection records to comply with Condition No. 1.

13. EAA shall notify the Milwaukee Flight Standards District Office (GL FSDO No. 13) within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:

a. Each in flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher.

b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowling, or components.

c. Each airplane component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area.

d. Except for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering.

e. Each failure of the propeller governing systems or feathering systems.

f. Any landing gear system or component failures or malfunctions which require use of emergency or standby extension systems.

g. Each failure or malfunction of the wheel brake systems that cause loss of brake control on the ground.

h. Each airplane structure that requires major repair due to damage, deformation, or corrosion, and the method of repair.

i. Each failure or malfunction, of the fuel system, tanks, pumps, or valves.

j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.

k. For the purpose of this section, "during flight" means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

14. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, EAA will inform that person that its airplanes hold only a limited airworthiness certificate; the significance of the airworthiness certificate as compared to a standard airworthiness certificate; and that the FAA has authorized this flight under a grant of exemption from the requirements of sections 91.315, 119.5(g), and 119.21(a). The explanation of the significance of a limited airworthiness certificate compared to a standard airworthiness certificate must include at least the following information:

a. The FAA has not established nor has it approved limited category airworthiness certificated aircraft manufacturing standards. In contrast, standard category airworthiness certificated aircraft are manufactured to FAA-approved standards, including standards addressing the design of the aircraft and life-limited parts.

b. Limited category airworthiness certificated aircraft are issued when the FAA finds the airplane --

(i) Has been previously issued a limited category type

certificate and the aircraft conforms to that type certificate; and

(ii) To be in a good state of preservation and repair and is in a safe operating condition.

c. Standard category airworthiness certificates are issued for an aircraft when the FAA finds the --

(i) Aircraft has been built and maintained in accordance with that aircraft's type certification standards as established by the FAA; and

(ii) Aircraft's inspection and maintenance requirements are in compliance with the applicable Federal Aviation Regulations.

15. All flight operations must be conducted --

a. At a minimum operating altitude of not less than 1,000 feet above the ground (AGL);

b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;

c. With a minimum flight visibility of not less than 5 statute miles;

d. With a minimum ceiling of not less than 2,000 feet AGL;

e. Within a 50-nautical mile radius of the departure airport with landing only permitted at that departure airport; and

f. At an airport that has a fire station or fire-fighting services available or within close proximity of the airport.

16. No persons other than the assigned flight crewmembers may be permitted on the flight deck of the airplane during flight operations.

17. Except for essential crewmembers, all flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the airplane.

18. Except for an emergency locator transmitter, EAA's B-17 airplanes must have the equipment listed in section 91.205(b), and that equipment must be in an operable condition during the flight.

19. If the airplane is to be operated overwater and beyond the power-off gliding distance from shore, EAA's B-17 airplanes must

have the equipment listed in section 91.205(b)(11), and that equipment must be in an operable condition during the flight.

20. EAA must hold and continue to hold a determination from the U.S. Internal Revenue Service that it is a section 501(c)(3) nonprofit, tax-exempt, charitable organization under sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

21. EAA must notify the Milwaukee Flight Standards District Office (GL FSDO No. 13) at least 5 working days (Mondays through Fridays) before conducting any PIC or SIC initial or recurrent qualification training and any PIC or SIC initial or recurrent proficiency checks required to be conducted under the terms of this grant of exemption.

22. No later than 72 hours prior to commencing flight operations under the terms of this grant of exemption, EAA must notify the jurisdictional FAA Flight Standards District Office where they intend to conduct the flight operations and shall provide a copy of this exemption to that jurisdictional FAA Flight Standards District Office.

23. Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or revocation of Exemption No. 6541, as amended.

This letter must be attached to, and is a part of, Exemption No. 6541.

Sincerely,

/s/ Ava L. Mims
Acting Director, Flight Standards Service